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30 MAR 2007

Legal Staff  
International Division

FAX

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Date March 30, 2007

To Mr. Dan Steamer

Of USPTO

Fax 1-571-273-0459

From Sunhee Lee

Subject Statement

Our Ref Q88281      Your Ref USSN 10/540,919

Pages **15**  
(including cover sheet)

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## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q88281

Seong-Min KIM, et al.

Appln. No.: 10/540,919

Group Art Unit: 2836

Confirmation No.: 3322

Examiner: Unknown

Filed: June 29, 2005

For: ELECTRIC ENERGY STORAGE DEVICE AND METHOD OF CHARGING AND  
DISCHARGING THE SAME

RECEIVED  
30 MAR 2007  
Legal Staff  
International Division

## STATEMENT

## MAIL STOP PCT

Commissioner for Patents

P.O. Box 1450

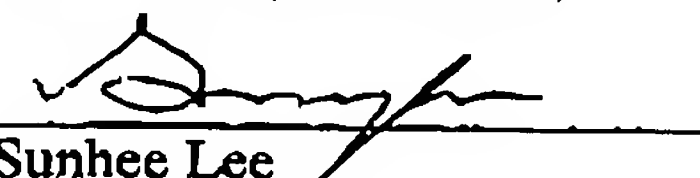
Alexandria, VA 22313-1450

Sir:

I, Sunhee Lee, an attorney of record of the instant application, affirms that the 13 -page documents, listed below, which were faxed to the PCT National Stage Group at facsimile number 571-273-0459 on March 27, 2007 are true copies of the documents filed with the USPTO, MAIL STOP PCT with respect to the instant application on October 27, 2006.

1. Supplemental Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (in duplicate) with a copy of the executed Declaration and Power of Attorney, copy of Decision, and Check No. 308849 in the amount of \$65.00
2. Petition for Extension of Time (in duplicate with Check No. 308846 in the amount of \$510.00)
3. Copy of an executed Assignment with PTO Form 1595 and Check No. 308844 in the amount of \$40.00

Respectfully submitted,

  
Sunhee Lee  
Registration No. 53,892

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: March 30, 2007



**FILING RECEIPT**  
**PLEASE DATE STAMP AND RETURN TO US - BOX 235X**

In re application of

Seong-Min KIM, et al.

Appln. No.: 10/540,919

Confirmation No.: 3322

Filed: June 29, 2005

Group Art Unit: [group\_art]

Examiner: [matter\_examiner]

For: **ELECTRIC ENERGY STORAGE DEVICE AND METHOD OF CHARGING AND  
DISCHARGING THE SAME**

**PAPER(S) FILED ENTITLED:**

1. Supplemental Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (in duplicate) with a copy of the executed Declaration and Power of Attorney, copy of Decision, and Check No. 308849 in the amount of \$65.00
2. Petition for Extension of Time (in duplicate with Check No. 308846 in the amount of \$510.00)
3. Copy of an executed Assignment with PTO Form 1595 and Check No. 308844 in the amount of \$40.00

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

DOCKET NO.: Q88281  
ATTORNEY/SEC: SXL/ecb  
Date Filed: October 27, 2006

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q88281

Seong-Min KIM, et al.

Appln. No.: 10/540,919

Group Art Unit: 2836

Confirmation No.: 3322

Examiner: Unknown

Filed: June 29, 2006

For: **ELECTRIC ENERGY STORAGE DEVICE AND METHOD OF CHARGING AND  
DISCHARGING THE SAME**

**SUPPLEMENTAL RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
(DO/EO/US) AND DECISION ON PETITION**

**RECEIVED**  
JUN 27 2006

**MAIL STOP PCT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

On March 13, 2006, Applicant filed a response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US)," for the above application along with a Petition Under 37 C.F.R. § 1.47(a). At that time Applicant was unable to locate and obtain the signature of one of the inventors, Mr. Hee-Young LEE, and, thus, submitted a Petition on the same grounds. A Decision on the Petition was mailed from the U.S. PTO dated June 29, 2006. After continued efforts, Applicant has now been successful in obtaining the signature of Mr. Lee and respectfully submits herewith a copy of the Declaration for the above identified application properly executed by him. Also enclosed

Seong-Min KIM, *et al.*  
Appln. No. 10/540,919  
Supplemental Response to Notification of Missing  
Requirements

please find a copy of the Decision dated June 29, 2006, which sets forth the time for responding and a Petition for Extension of Time.

A check for the statutory fee of \$65.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,



---

Sunhee Lee  
Registration No. 53,892

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: October 27, 2006

29 JUN 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
 www.uspto.gov

SUGHRUE MION, PLLC  
 2100 PENNSYLVANIA AVENUE, N.W.  
 SUITE 800  
 WASHINGTON DC 20037

**DOCKETED****JUN 30 2006**

In re Application of  
 KIM et al.  
 Application No.: 10/540,919  
 PCT No.: PCT/KR03/02744  
 Int. Filing Date: 13 December 2003  
 Priority Date: 30 December 2002  
 Attorney Docket No.: Q88281  
 For: ELECTRIC ENERGY STORAGE DEVICE AND  
 METHOD OF CHARGING AND DISCHARGING THE SAME:

**DECISION**

This is a decision on applicants' "Petition Under 37 CFR §1.47(a)" filed 13 March 2006 in the United States Patent and Trademark Office (USPTO).

### **BACKGROUND**

On 13 December 2003, applicants filed international application PCT/KR03/02744, which designated the United States and claimed a priority date of 30 December 2002. A copy of the international application was communicated from the International Bureau to the USPTO on 15 July 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 June 2005.

On 29 June 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, an English translation of the International Application, and an assertion of small entity status.

On 12 January 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 13 March 2006, applicants filed the instant petition under 37 CFR 1.47(a) which was accompanied by, *inter alia*, a declaration of inventors signed by six of the seven joint inventors and a declaration of facts by Lee Si Hyung.

Application No.: 10/540,919

-2-

**DISCUSSION**

The declaration of facts by Lee Si Hyung states that he was told by the nonsigning inventor's family "that she was abroad and no definite dates of return were known to the family." MPEP § 409.03(d), item I, states that the "fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47." In this instance, the nonsigning inventor Hee Young Lee is out of town and thus a petition under 37 CFR 1.47 is not applicable. Also, the last attempt to contact Hee Young Lee was eleven months ago.

**CONCLUSION**

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED**.

Since the reply filed 13 March 2006 appears to have been bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to provide an oath or declaration in compliance with 37 CFR 1.497(a)-(b). Extensions of this time period may be granted under 37 CFR 1.136(a).

Failure to timely file a proper response will result in **abandonment** of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459

**PATENT APPLICATION****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q88281

Seong-Min KIM, et al.

Appln. No.: 10/540,919

Group Art Unit: 2836

Confirmation No.: 3322

Examiner: Unknown

Filed: June 29, 2005

For: ELECTRIC ENERGY STORAGE DEVICE AND METHOD OF CHARGING AND  
DISCHARGING THE SAME

**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.136, Applicant hereby petitions for an extension of time of three months, extending the time for responding to the Decision of June 29, 2006 to October 29, 2006.

A check for the statutory fee of \$510.00 is attached. The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this sheet is enclosed.

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Respectfully submitted,



Sunhee Lee  
Registration No. 53,892

Date: October 27, 2006



Q88281

MODIFIED Form PTO-1595  
(Rev. 10/02)**RECORDATION FORM COVER SHEET  
PATENTS ONLY**U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

To the Director of the U.S. Patent and Trademark Office: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Seong-Min KIM (executed July 19, 2005 & recorded March 13, 2006)  
 Hee Young LEE  
 Yong-Ho JUNG (executed 11/19/05 & recorded 3/13/06)  
 Heui-Soo KIM (executed 11/19/05 & recorded 3/13/06)  
 Sung-Chul PARK (executed 11/19/05 & recorded 3/13/06)  
 Ha-Young LEE (executed 7/19/05 & recorded 3/13/06)  
 Eun-Sil KIM (executed 11/19/05 & recorded 3/13/06)

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

## 2. Name and address of receiving party(ies):

Ness Cap Co., Ltd.  
 #29-9 Woncheon-dong, paldal-gu  
 Suwon-si, Gyeonggi-do 442-380  
 Republic of Korea

## 3. Nature of conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date: October 25, 2006

Additional name(s) & address(es) attached? ☐ Yes ☒ No

## 4. Application number(s) or parent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s):  
 10/540,919

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

SUGHRUE MION, PLLC

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

## 6. Total number of applications and patents involved:

1

## 7. Total fee (37 CFR 3.41): \$40.00

- ☒ Enclosed.  
☐ Authorized to be charged to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

## 8. Deposit Account Number:

19-4880

(Attach duplicate copy of this page if paying by deposit account)

**DO NOT USE THIS SPACE**

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Sunhee Lee

Reg. No. 53,892

October 27, 2006

Date

Total number of pages including cover sheet, attachments, and documents: 3

Mail documents to be recorded with required cover sheet information to:

**MAIL STOP ASSIGNMENT RECORDATION SERVICES**

Director of the U.S. Patent and Trademark Office

P.O. Box 1450

Alexandria, VA 22313-1450

Docket No. Q44281  
For Non-U.S. Clients

### Assignment

Whereas, We, Seong-Min KIM, Hee-Young LEE, Yong-Ho JUNG, Heui-Soo KIM, Sung-Chul PARK, Ha-Young LEE and Eun-Sil KIM of Yongin-si, Anyang-si, Suwon-si, Seoul, Seoul, Suwon-si, and Suwon-si, Korea, respectively, hereinafter called assignors, have invented certain improvements in ELECTRIC ENERGY STORAGE DEVICE AND METHOD OF CHARGING AND DISCHARGING THE SAME and executed an application for Letters Patent of the United States of America therefor on Oct 25, 2006; and

Whereas,

NESS CAP CO., LTD.  
#29-9 Woncheon-gong, Paldal-gu  
Suwon-si, Gyeonggi-Do 442-380  
Republic of Korea

(assignee), desires to acquire the entire right, title, and interest in the application and invention, and to any United States patents to be obtained therefor;

Now therefore, for valuable consideration, receipt whereof is hereby acknowledged,

We, the above named assignors, hereby sell, assign and transfer to the above named assignee, its successors and assigns, the entire right, title and interest in the application and the invention disclosed therein for the United States of America, including the right to claim priority under 35 U.S.C. §119, and we request the Director of the U.S. Patent and Trademark Office to issue any Letters Patent granted upon the invention set forth in the application to the assignee, its successors and assigns; and we will execute without further consideration all papers deemed necessary by the assignee in connection with the United States application when called upon to do so by the assignee.

We hereby authorize and request our attorneys SUGHRUE MION, PLLC of 2100 Pennsylvania Avenue, NW, Washington, DC 20037-3213 to insert here in parentheses (Application number 10/540,919 and Confirmation number 3322, filed June 29, 2005) the application number and filing date of said application when known.

Date:

s/Seung-Min KIM

Date:

Oct 25, 2006 H. Y. Lee

s/Hee-Young LEE

Date:

s/Yong-Ho JUNG

Date:

s/Hui-Son KIM

Date:

s/Sung-Chul PARK

Date:

s/Ha-Young LEE

Date:

s/Eun-Sil KIM

(Legalization not required for recording but is prima facie evidence of execution under 35 U.S.C. §261)

Docket No.: Q88281

# DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION (37 C.F.R. 1.63)

## 특허 출원 관련 선언 및 위임장

### Korean Language Declaration

#### 한국어 선언서

본인은 다음과 같이 선언합니다.

I hereby declare that:

각 발명자의 거주지, 우편 주소 및 국적은 하기 각 발명자의 성명의 아래선에 기재된 것과 동일합니다.

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

본인은, 하기의 발명자(들)이, 다음의 재복을 갖는 발명에 관련하여 특허를 받거나 하거나 특허청구 범위에 기재되어 있는 대상에 대하여 원래의 최초 발명자(들)이라고 믿습니다.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ELECTRIC ENERGY STORAGE DEVICE AND METHOD  
OF CHARGING AND DISCHARGING THE SAME

☐ 명세서는 첨부된 바와 같습니다.

☒ the specification of which is attached hereto

또는

OR

☐ 미합중국 출원번호 또는 PCT 국제 출원 번호는  
..... (출원번호 .....)  
..... 일로 출원되었고  
..... 일로 보정되었음 (해당 경우).

☐ was filed on  
as United States Application Number or PCT  
International Application Number ..  
and was amended on  
(if applicable).

본인은 위에 기재되어 있는 언급된 보정서에 의해 보정된 상기 명세서 (특허청구 범위 포함)가 내용을 갖고 있는 이해했음을 확인합니다.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

본인은 만약 규정 코드 제 37 조 제 1.56 항에 규정된 바에 따라, 특허성의 판단에 중요한 자료 정보를 공개할 의무가 있음을 인정하니, 이와 같은 의무에는, 부분 연속 출원(들)의 경우에, 전 출원의 출원일과 부분 연속 출원의 국내 출원일 혹은 PCT 국제 출원일 사이에 입수되었던 중요한 자료 정보를 공개할 것이 포함됨을 인정합니다.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part application(s), material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

## Korean Language Declaration

본원은 아래 기재된 여와 같은 외국 특허출원(들), 외국  
발명자권 출원(들) 또는 외국 식물 육종가 권리증  
출원(들)에 기초하여 미합중국 35 USC 제 35 장 제 119(a)-  
(d)항 또는 (f)항, 또는 365(b)항에 규정된 외국 우선권  
특권 미합중국 특허법 제 365(a)항에 규정된 PCT  
국제출원(들)에 기초하여 미합중국 35 USC 제 35 장 제  
365(a)항에 규정된 미국 우선권을 주장하며, 나아가  
우선권이 주장되는 출원의 출원인 이전에 출원된 외국  
특허출원(들), 외국 발명자권 출원(들) 또는 외국  
식물육종가 권리증(들) 또는 PCT 국제출원(들)에 아래  
제당항을 체크함으로써 표시하였습니다.

Prior Foreign Application Number(s)

이전의 외국 출원번호(들)

10-2002-0086299

(Application Number)

(출원 번호)

Korea

(Country)

(국가)

(Application Number)

(출원 번호)

(Country)

(국가)

본원은 미합중국 35 USC 제 35 장 제 119(a)항에 명시된  
마와 같이 하기 미합중국 가출원의 국내 우선권을  
주장합니다.

(Application Number)

(출원 번호)

(Filing Date)

(출원 일자)

(Application Number)

(출원 번호)

(Filing Date)

(출원 일자)

본원은 미합중국 35 USC 제 35 장 제 120 항에 의거 미합중국  
출원(들)의 이익 또는 제 365(c)항에 의거 미합중국을  
지정하는 PCT 국제출원(들)의 이익을 하기와 같이  
주장합니다. 또한 본 특허출원의 각 특허청구항위에  
기재된 내용이 미합중국 35 USC 제 35 장 제 112 항의 첫번째  
패러그래프에 규정된 바에 따라 본 미합중국 출원 또는 전  
PCT 국제출원에 기재되어 있지 않은 경우에는 본 출원의  
특허성을 판단하는데 필요한 지식 정보로서 전 출원의  
출원일과 본 출원의 국내 출원일 또는 PCT 국제 출원일  
사이의 발생한 모든 사실 정보를 공개할 의무가 있음을  
인정합니다.

Prior U.S. or International Application Number(s)

이전의 국내 또는 국제 출원 번호(들)

(Application Number)

(출원 번호)

(Filing Date)

(출원 일자)

(Application Number)

(출원 번호)

(Filing Date)

(출원 일자)

본원이 아는 한도 내에서 여기에 제공된 모든 내용이  
사실이고, 제공된 정보가 진실이 모두 사실임을 확인하며,  
더 나아가 미합중국 35 USC 제 18 장의 1001 항에 명시된  
마와 같이 그 의의 하위 진술 및 이와 유사한 행위는  
범죄이며 부속으로 기각 받거나 벌금과 징역형을 모두  
받을 수 있고 이러한 고지의 하위 진술은 특히 출원인이  
주에 발급된 특허의 유무 및 위변조 여부를 인지하면서  
여기에 진술한 사실임을 인정합니다.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-  
(d) or (f), or 365(b) of any foreign application(s) for patent,  
inventor's or plant breeder's rights certificate(s), or 365(a) of  
any PCT international application(s) which designated at least  
one country other than the United States of America, listed  
below and have also identified below, by checking the box, any  
foreign application(s) for patent, inventor's or plant breeder's  
rights certificate(s), or any PCT international application(s)  
having a filing date before that of the application on which  
priority is claimed.

Priority Claimed?

우선권 주장함

Yes No

예 아니오

☒ ☐

12/30/2002

(Filing Date)

(출원 일자)

(Filing Date)

(출원 일자)

I hereby claim domestic priority under 35 U.S.C. 119(e) of any  
United States provisional application(s) listed below.

I hereby claim benefit under 35 U.S.C. 120 of any United States  
application(s) or 365(c) of any PCT international application(s)  
designating the United States, listed below and, insofar as the  
subject matter of each of the claims of this application is not  
disclosed in a listed prior United States or PCT international  
application in the manner provided by the first paragraph of  
35 U.S.C. 112, I acknowledge my duty to disclose any  
information material to the patentability of this application as  
defined in 37 C.F.R. 1.56 which occurred between the filing  
date of the prior application and the national or PCT  
international filing date of this application.

(Status: patented, pending, abandoned)

(현황: 특허, 출원중, 포기)

(Status: patented, pending, abandoned)

(현황: 특허, 출원중, 포기)

I hereby declare that all statements made herein of my own  
knowledge are true and that all statements made on information  
and belief are believed to be true; and further that these  
statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or  
imprisonment, or both, under 18 U.S.C. 1001 and that such  
willful false statements may jeopardize the validity of the  
application or any patent issued thereon.

## Korean Language Declaration

위원장: 본인은 본건 중위를 수행하고, 이와 관련하여 미국 특허상권징 업무의 모든 사무를 처리하기 위하여 하기 표기한 USPTO 고객 번호에 등재된 SUGHRUE MION, PLLC 의 모든 변호사들을 본인의 대리인으로 지명하는 바이며, 해당 고객 번호에 등재된 어떤 특정 변호사도 이 Sughrue Mion, PLLC 의 세람에 따라 수시로 변동될 수 있음을 인정하며, 중위에 대한 모든 사건을 동일한 USPTO 고객 번호에 기재된 주소로 송부해 줄 것을 요청합니다.

POWER OF ATTORNEY: I hereby appoint all attorneys of SUGHRUE MION, PLLC who are listed under the USPTO Customer Number shown below as my attorneys to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, recognizing that the specific attorneys listed under that Customer Number may be changed from time to time at the sole discretion of Sughrue Mion, PLLC, and request that all correspondence about the application be addressed to the address filed under the same USPTO Customer Number.

## STATEMENT OF ACCURATE TRANSLATION IN ACCORDANCE WITH 37 C.F.R. §1.64(h):

The declaration and power of attorney is an accurate translation of the corresponding English language declaration and power of attorney.

Signature

Date

*Jane Lee*  
*April 12, 2007*

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